

Article 16A – MEDICAL MARIJUANA

(As Amended 8/23/11 via BOS Ordinance #05-11, as adopted 2/22/11 via BOS Ordinance #01-11)

Section 16A-01 – Definitions:

1. Medical Marijuana Designated Caregiver Cultivation Location:

An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a caregiver designated pursuant to A.R.S. §36-2801 cultivates marijuana for one or more patients under the caregiver's care, each of whom resides in Navajo County at a location at least 25 miles distant from a Medical Marijuana Dispensary. The designated caregiver cultivation location must be accessory to the designated caregiver's primary residence. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.

2. Medical Marijuana Dispensary:

An entity defined in A.R.S. § 36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials.

3. Medical Marijuana Dispensary Offsite Cultivation Location facility:

An offsite location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

4. Medical Marijuana Qualifying Patient Cultivation Location:

An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where one or more patients qualified to cultivate marijuana pursuant to A.R.S. § 36-2801 cultivates marijuana.

The Qualifying Patient Cultivation Location must be accessory to the qualifying patient's primary residence. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant (by straight-line measurement) from a Medical Marijuana Dispensary.

Section 16A-02 – Zoning Locations:

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

Section 16A-03 – Development Standards for Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location facilities:

1. Compliance with all rules adopted by the Arizona Department of Health Services.
2. Medical Marijuana Dispensaries or Medical Marijuana Dispensary Offsite Cultivation Locations shall not be located within 1,500 feet of any other Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location. A Medical Marijuana Offsite Cultivation Location shall be associated exclusively with a Medical Marijuana Dispensary (or Dispensaries) located in Navajo County and approved pursuant to this Article 16A.
3. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:
 - a. A church; or
 - b. A public or private elementary or secondary school; or
 - c. A public or private day care center, preschool, nursery, kindergarten, or similar use; or
 - d. A public park, playground, or public recreational facility; or
 - e. An adult oriented business.
4. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall require the approval of a Special Use Permit by the Navajo County Board of Supervisors, pursuant to the requirements of this Article and the related provisions of Article 20.
5. For purposes of measuring separation distances required in this Article, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
6. A Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, a park or playground, or an adult oriented business within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.
7. This Article shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

Section 16A-04 – Additional Application Requirements for a Special Use Permit for a Medical Marijuana Dispensary:

In addition to the application materials typically required for a Special Use Permit, an application for a Special Use Permit for a Medical Marijuana Dispensary shall also include evidence that the applicant has applied to the Arizona Department of Health Services (ADHS) for a dispensary registration certificate. At a minimum, the Special Use Permit application shall include a copy of the application to ADHS and evidence that ADHS has accepted the application. Failure to provide this information will result in rejection of the Special Use Permit application.